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CHARGES

AGAINST

THE CHARITY COMMISSIONERS,

IN THE MATTER OF THE

ROYAL FREE GRAMMAR SCHOOL AT
GIGGLESWICK.

SUBMITTED TO THE CONSIDERATION OF THE MEMBERS OF BOTH
HOUSES OF PARLIAMENT.

BY

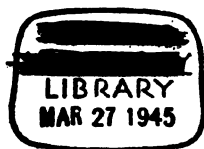
MR. JAMES FOSTER.

"It is a settled and invariable principle in the laws of England, that every right when withheld must have a remedy, and every injury its proper redress."

BLACKSTONE, Book III., c. 7, § iv.

LONDON:
BRADBURY AND EVANS, 11, BOUVERIE STREET.
1864.

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PREFACE.

SINCE the completion of this pamphlet, a very able leading article on the Report of the Public School Commission appeared in *The Times* of March 18th, some parts of which entirely express the Author's sentiments. The concluding sentence of the following extract shadows forth, in a general and abstract manner, what has actually taken place in the case of Giggleswick School :

“The powers which they would assign to the ‘Governing Body’ of each foundation, as distinct from the Head Master, are very ample—perhaps too ample, for they embrace not only the whole financial control, but the regulation of attendance at Divine service, of all sanitary arrangements, of the times and length of the holydays, and of the plan of studies. Our readers may wonder what is left to the real working Head of the School, and will probably be relieved to find that he is still to have the absolute power of selecting and dismissing his assistants, of classifying the boys in divisions, of choosing the school-books though not the subjects of instruction, of maintaining discipline, and of administering punishment. We doubt whether these rights and prerogatives will suffice to protect him from the galling and humiliating thralldom in which many an able teacher and administrator has been held by the fussy interference of local trustees and governors.”

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PREFACE.

THE Author of the following pages having for nearly two years in vain solicited the interference of the Charity Commissioners in a case of gross wrong and oppression, immediately under their jurisdiction, is compelled, on their final refusal of justice, to appeal to the public, whose servants they are.

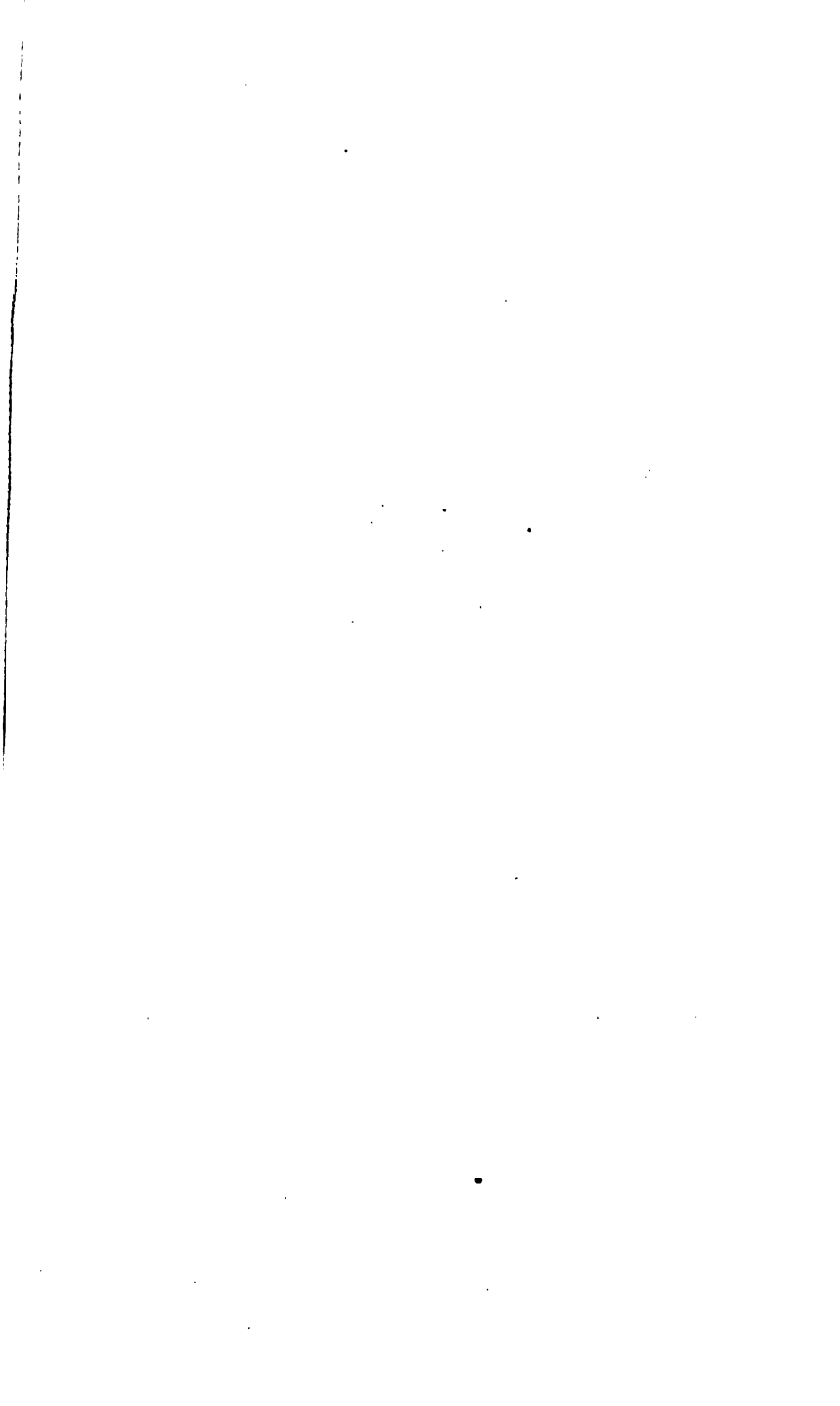
He believes that a more striking instance of dereliction of duty on the part of an official body, than that which his statement discloses, has seldom been made public. He has taken up this case on public grounds, and he is not without hope that the force of enlightened public opinion will deter the Charity Commissioners from a course which must, if pursued, defeat, in this case, one of the chief objects of their appointment. As the best proofs he can offer of his good faith, he gives his name with his statement, and declares himself ready to substantiate every allegation in it by the most convincing evidence before an impartial tribunal.

JAMES FOSTER.

MARK HOUSE LANE, WALTHAMSTOW,

March, 1864.

P.S. Whilst it will be seen that the Charity Commissioners refuse all investigation into the conduct of the Governors of the School, and reject the repeated protests against their being continued in office without an investigation, it is now reported that the Charity Commissioners have quite recently proposed, not only to continue the Governors in office, but to give them greatly increased support.



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CHARGES
AGAINST
THE CHARITY COMMISSIONERS.



CHARGES AGAINST THE CHARITY COMMISSIONERS.

THE charges against the Charity Commissioners are as follows:—

1. That they have not only refused to remedy a notorious wrong and scandal in the management of a Charity, but have absolutely refused to make any inquiry into it, although its existence has been made known to them by public report, as well as by formal evidence.

2. That they have trifled with applications for inquiry, made use of official forms and routine to baffle and wear out the applicants, and exercised their inquisitorial powers to stifle investigation.

3. That they have not merely virtually, but actually, allied themselves with the persons whose misconduct is complained of, and to the full extent of official ingenuity sustained them in their wrong-doing.

4. That by their refusal to do their own duty, and by the countenance they have given to the mismanaging Trustees, they have helped to reduce an important educational institution to a state bordering upon ruin.

It will be for the public-spirited reader to see whether these charges are proved in the following narrative and correspondence; and, if they are, to lend his assistance in arousing the body against whom they are directed to a sense of its responsibility to the community.

STATEMENT OF THE CASE OF GIGGLESWICK SCHOOL.

The Royal Free Grammar School of King Edward VI., at Giggleswick, near Settle, in Yorkshire, is one of the best endowed country Schools in England. Its revenues amount to between £1,100 and £1,200 a-year; it is situated in a romantic and healthy district; and there is no valid reason why it should not be one of the most flourishing Grammar Schools in the kingdom. Unhappily the benevolent purposes of its founder have been frustrated through the misconduct of a local clique, into whose hands its management has fallen, and it is now effecting little more than a Parish School; that is, teaching the elements of an English education to some three or four dozen children.

The Governors or Trustees of the School are nearly all connected with one another by business and family relations, and, as may be easily inferred, are desirous of ruling everything in their own way; and they appear to have been successful in attaining to this species of local despotism.

The government of the richly endowed School was of course an object of great moment to them; and had they laid aside their local prejudices, their partisanship, and their sense of self-importance, there could have been no objection to them.

Unfortunately for the School and for the public, these Governors would "suffer no rival near their throne;" and as the Head Master of the School was the only person who could pretend to anything like co-ordinate authority, against him their jealousy and hostility were directed.

Their method of proceeding for several years, and with successive Head Masters, has been uniform; they have allowed Under Masters to thwart, insult, and worry their superior; they have protected the insubordinate teachers, and backed up their cause, thus hoping to compel the Head Master either to submit to their arrogant assumptions, or to relinquish his office in despair.

The last Head Master was the Rev. G. A. Butterton, D.D., formerly Fellow of St. John's College, Cambridge, eighth wrangler, and third in the first class of the classical tripos in 1827. One of the Governors says of him, "The School was never so prosperous as during his time. It was always full, and boys had to wait a considerable time before they could be taken, and then

many clever young men went to Cambridge and Oxford, where they distinguished themselves." Another witness says:—"Dr. Butterson was one of the most successful and beloved teachers and Head Masters in England—a gentleman, as amiable as he is able and learned."

Dr. Butterson had, however, one fatal disqualification in the eyes of the Governors; he respected himself, and could not bow down before them. Of course this eminent scholar and divine withdrew himself from the control of such persons, and he thus accounts for his relinquishment of the Head Mastership:—"I determined my connection with those who, by the impunity they afforded him, encouraged the lowest teacher in the School to treat the Master with disrespect, and at length to insult him in the presence of his own boys." "My motives and conduct were publicly called in question; the Assistant Master pretended to entire independence of me, and set my authority at defiance." "After a long struggle," he continues, "I was driven to relinquish a situation, the annoyance of which injured my health, and destroyed my peace of mind."

The successor of Dr. Butterson is the Rev. J. R. Blakiston, M.A., of Trinity College, Cambridge; he graduated second in the classical tripos, 1853, with a high degree in mathematics. He was a Scholar of his college, and would have been elected a Fellow had he not, for private reasons, declined to compete. As a private tutor at Cambridge, his success was extraordinary. Among his pupils were a Fellow of Trinity, a Fellow of Jesus, four first-class men in classics, and a Bell University Scholar. Whilst first classical Master of Uppingham School the number of boarders rose in three years from thirty to eighty; and when he relinquished the Head Mastership of Preston Grammar School to come to Giggleswick, he received a most flattering testimonial from the Trustees of that institution.

With such a distinguished antecedent career, and furnished as he was with testimonials to his learning and ability as a teacher, from some of the most famous scholars in the empire, as well as from clergymen and dignitaries of the Church, Mr. Blakiston might reasonably have expected both success and comfort in the discharge of his duties. He was, however, like his predecessor Dr. Butterson, a man of independence and self-respect; and like

him, therefore, was soon made to feel that these qualities were crimes in the eyes of the magnates of Settle.*

The reader will observe, as he goes on, that the means taken to reduce Mr. Blakiston to submission were also identical with those employed upon Dr. Butters.

The Usher having set himself up in direct opposition to his superior, and having treated him with contemptuous insolence before the pupils, the Governors, by not taking cognisance of his insubordinate conduct, tacitly approved of it.

The Usher frequently came late into the School, advancing to his seat during prayers, and when spoken to, said he was not going "to wait outside like a boy," but made no promise of being in the School in proper time. He left the School when he liked, and once absented himself altogether without any notice to his principal. After the Easter vacation of 1860, the Usher being absent, through illness, the Head Master had to punish, by the statute, for having overstayed the vacation two days without excuse, a pupil who was boarding at the house of the Usher. For thus discharging a simple duty the Usher told him he had exceeded his authority, and that if he (the Usher) had been present, the punishment could not have been inflicted. At the end of the Christmas vacation of 1860-61, Mr. Blakiston refused to extend, at the request of an unauthorised person, and without cause assigned, the holidays of a boy (named Holroyd) who was boarding with himself, whereupon the boy's guardian, Mr. Handsley, wrote an offensive letter to the Head Master, who, in reply, made a conciliatory explanation, and the subject apparently dropped. The two Masters lived on terms of daily intimacy, joining constantly in the same prayers, and sitting in the discharge of the same duties in the same School Room, till the following Easter holidays; the affair of the boy Holroyd being apparently entirely forgotten. The Head Master was then informed by the Usher that *about six weeks before* he had entered into an arrangement with Mr. Handsley that the boy Holroyd should

* To show how soon the *animus* of the Governors manifested itself in favour of the Usher and against the Head Master, it should be mentioned, that when they had held their respective offices only ten weeks, the Governors resolved to enlarge and improve the Usher's house (on which it is stated that they expended £700), while, at the same time, an application made by the Head Master to remedy a smoky chimney was met by an offer from the Governors to pay half the expense.

cease to board with the Head Master, and that the Usher should take him into his own house as a boarder ; and further, that he had agreed with Mr. Handsley to keep this arrangement *secret* from the Head Master until it could take effect.

The Head Master remonstrated with the Usher ; showed him that he would, by such conduct, lay himself open to the suspicion of treachery against his superior, and of having secretly intrigued against a brother clergyman and colleague for his own private advantage. He also pointed out to the Usher that by thus gratifying the pique which parents or guardians might conceive against the Principal of the School for discharging a duty unpleasing to any of them, he would undermine the very foundation of all legitimate authority, and destroy the discipline of the School.

It was all in vain ; the Usher carried out the arrangement, repudiated the authority of the Head Master, and declared himself responsible to the Governors only. The Governors tacitly adopted the Usher's proceedings, and when they were afterwards called upon to inquire into the affair, they stopped the Head Master's mouth by a formal resolution, in which they, in language of mild censure, justified the Usher's conduct.

The next step taken by the Usher brought matters to a crisis, and could not fail to arouse the indignation of all right-minded men.

It is necessary to state this unheard-of scandal more in detail, that the reader may have some idea of the conduct which the Charity Commissioners are bolstering up, to the ruin of an institution that, under proper management, might be a source of incalculable benefits to the country.

On the 6th of May, 1861, a boy, named James Edward Wright, the son of a solicitor, at Bacup, was guilty of a gross and direct falsehood, for which the Head Master, following the example of Dr. Arnold, punished him, but not severely.

On the 13th of May, 1861, the same boy committed a similar offence, and the Head Master punished him sharply before the school, so that he showed some marks of the cane. On the evening of the following day the Usher, with whom the boy was boarding, and who had witnessed the punishment in silence, took him, unknown to the Head Master, to the neighbouring town of Settle and had him examined by Mr. Edward Harrison, a retired

surgeon, who afterwards averred upon oath that he saw no necessity for prescribing or suggesting anything.

The Usher, not satisfied with this opinion, had the boy examined next day by another surgeon of Settle, Mr. James Hartley. This gentleman also averred upon oath that he saw no necessity for any lotion or other application.

The two surgeons, however, at the Usher's request, signed a certificate on the 15th of the same month, to the effect that the boy Wright showed marks of a sharp caning. The boy returned to school, as usual, on the following day, and the Usher, without breathing a hint to the Head Master of what he had done, or was about to do, transmitted the certificate, with his own account of the punishment, to the boy's father at Bacup.

The boy's father, shortly after the receipt of the Usher's letter, came to Settle, had an interview with him, and on his information, resolved to institute legal proceedings against the Head Master.

On the 25th of May, 1861, the Head Master was, for the first time, apprised of what was preparing for him, by the service upon him of two summonses, one for a common assault punishable by fine, the other for an aggravated assault upon a child under fourteen years of age, punishable by imprisonment without the alternative of a fine.

These proceedings, which, if successful, would have been immediate ruin to a first-rate scholar and exemplary clergyman, must strike every unprejudiced person as an outrage upon common sense and decency, to say nothing of justice. The prosecutor (a solicitor) must have known that it was impossible to sustain the graver charge, and it was actually withdrawn in court at the last moment, not however before it had had the effect of creating a prejudice against the Head Master.

It is a significant circumstance that the summonses were signed by Mr. John Birkbeck, one of the Governors, and by his brother-in-law, Mr. George Stansfeld; that the latter presided at the hearing of the case, and that the prosecutor was his guest.

The summonses were heard on the 11th of June, and it appears in evidence that on the evening of the 10th the Usher had a consultation with the son of the attorney for the prosecution; that it was agreed between them that the Usher should not be called as a witness, doubtless because they dreaded the disclosures that

would be elicited in his cross-examination ; that as corroboratory evidence was necessary, one of the boys should be called, and that the Usher actually twice asked Frank Marriner, one of the pupils, to be a witness against the Head Master.

The Bench was composed of Mr. George Stansfeld, the prosecutor's host ; Mr. John Birkbeck, his brother-in-law, one of the Governors ; Mr. William Robinson, another of the Governors ; and, happily for the cause of impartial justice, Mr. Walter Morrison, M.P., who is neither a Governor nor related to any of them.*

The Head Master called no witnesses for his defence ; but on the prosecutor's own showing, the Bench were compelled to dismiss the charge against the defendant.

The reader will no doubt regard this as one of the most deadly blows ever struck against the reputation of an innocent man. The conduct of the Governor who, with his brother-in-law, signed the summonses against the Head Master, without making any attempt in his capacity of Governor to seek such explanations as would have saved the school from public scandal ; the closeness with which the Governors kept from the Head Master the secret of the coming prosecution ; the impropriety of their conduct in sitting upon the trial of a man to whom they were avowedly hostile, and the pregnant fact that the prosecutor was a guest at the house of the magistrate who presided at the trial, will be duly appreciated.

The Head Master memorialised the Governors, and asked for the redress he was entitled to after passing with unblemished honour through so searching an ordeal ; they took no notice of his memorial ; they transmitted it to the Usher, but did not even ask him to reply to it. Again and again the Head Master memorialised them, and pointed out the ruinous consequences of their conduct to the institution. He asked them simply to do their duty as visitors of the School, and to inquire fairly into the causes of its decadence ; they refused, but they offered to review the decision of the Bench in Wright's case, and in effect to try the Head Master over again in the absence of Walter Morrison, Esq., M.P., who assisted at the hearing of the case.

The Head Master naturally declined to lay his character and

* Mr. George Stansfeld, Mr. John Birkbeck, and a son of Mr. William Robinson, are partners in a bank at Settle.

prospects at the mercy of a voluntary tribunal which had so plainly avowed its hostility to him, which could not take evidence upon oath, and whose decisions, though they would be of no legal value, would have very effectually served the purposes of the Governors in a social point of view.

This proposal was made to the Head Master's legal adviser by the Governors' attorney in a letter, which for bitter party spirit and personal animus could hardly be exceeded. Among other things he proposed that the Head Master should for the future abstain from addressing the Governors directly, and should communicate with them only through himself; that is, that he should shut himself out from the only means of redress, hopeless as that was, which remained to him, and consent to have his heart worn out by legal quibbles and by trifling technicalities. This gentleman, Mr. Dixon Robinson, further has the effrontery to say that "the decision of the Magistrates was not by any means conclusively in favour of Mr. Blakiston."

It may be here mentioned that Mr. Dixon Robinson is the brother of Mr. William Robinson, one of the Governors of the School, who tried the Head Master; that Mr. William Robinson presided at the meeting of Governors, at which his brother was appointed their solicitor *ad hoc*; and that when the Governors were compelled by the force of public opinion to repudiate the statement of their solicitor, and to pass a resolution recognising Mr. Blakiston's acquittal as *complete*, Mr. William Robinson, loath to forego the idea that the Head Master had received damage from the process so long and secretly matured against him, averred that, though the acquittal was *complete*, it was not *triumphant*. This is surely a distinction which could hardly have occurred to any one but an unflinching partisan.

It is not necessary to weary the reader with a full account of the doings of these Governors; to tell how they backed up the Usher in everything he did; how the Governors received letters impugning the Head Master's conduct and never made them known to him; passed resolutions in favour of the Usher, exonerating him from all blame in what he had done; and, finally, with their friends, presented him with a testimonial, and an address, in which they took occasion to throw out the most odious insinuations against the Head Master, whose sole offence was an

earnest desire to do his duty independently, and to raise the School to the position it ought to occupy among the educational establishments of England.

Finding that there was no hope of decent treatment, to say nothing of common justice, from such a body, the Head Master, towards the close of the year 1861, published the whole of his correspondence with the governors in a pamphlet. This pamphlet, with a sequel to it, published afterwards, came into the hands of the Author early in 1862, and having himself been educated in the school and possessing landed estates in the parish, he felt deeply pained at the miserable condition into which the School had fallen.

He opened a correspondence with the Governors, with the view of arousing them to a sense of their duty, but his letters, ten in number, were all answered in an evasive and inconsequent style, which deprived him of all hope that the body to whom they were addressed were open to conviction; and at length, wearied by his importunity, they terminated the correspondence with insult.

Determined to leave no stone unturned to obtain justice for a persecuted man, and fair-play for the School, the author submitted the whole of the papers in the case to Mr. Garvey, the barrister, for his advice. His opinion was as follows :—

MR. GARVEY'S OPINION.

I have carefully perused the papers laid before me, relating to Giggleswick School, comprising *Order* in Chancery, June 7, 1844, and Scheme for government of School approved of by the Master under that order.

A Pamphlet entitled, "Full Report of Recent Events," &c., published by the Rev. J. R. Blakiston, Head Master.

Extracts from minutes of proceedings of Governors of School, published in reply to the foregoing.

A Pamphlet entitled, "Sequel to Recent Events," published by the Rev. J. R. Blakiston.

A correspondence between James Foster, Esq., of Mark House Lane, Walthamstow, and William Robinson, Esq., of Settle, a Governor of the School, and Secretary to the Governors, on their

behalf and his own. Opened by Mr. Foster, on 18th February, 1862, and closed by Mr. Robinson, on the 9th June. Comprising ten letters on either side.

Leaving out of view all collateral matters and repetitions, the following facts come out clearly to an unprejudiced mind respecting the principal parties concerned.

I. As regards the Head Master, the Rev. J. R. Blakiston, M.A. He appears throughout these proceedings as a man anxious to maintain the discipline of the School, and earnest, if not somewhat stern, in the discharge of his duties. The punishment he inflicted upon young Wright was, no doubt, severe; but it seems to have been deserved for two distinct acts of deception. *First*, for attempting to escape an imposition by what amounts to falsehood; and, *secondly*, for *cribbing* in the Greek delectus class. The allegation that he did not know it was wrong, must go for nothing, as he had been some time in the School, and must have known the rules, from his association with the other boys. The Head Master's prohibition of Mr. Wood to take Holroyd as a boarder, was somewhat arbitrary; but, with proper allowance for the feelings of a Head Master, whose wishes had been contravened, and whose ideas of School discipline had been set at defiance by a subordinate, not unnatural. The request to Mr. Wood to go upstairs with the two disobedient boys was not an extraordinary stretch of authority, though the subsequent order to the boys to report Mr. Wood's conduct was unadvised. The Head Master justly complains of the want of respect shown to him by Mr. Wood, who allowed one of the pupils, with whom he was walking, to pass the Head Master without the usual salute which was due to his position, and which every one who knows the importance of sustaining a Head Master's authority, would wish to see duly observed. The abstraction of the three leaves from the Usher's mark-book justified, *prima facie*, the Head Master's charge of double dealing, and it is creditable to his candour that he withdrew it on Mr. Wood's explanation. The Head Master appears, however, to have stood too exclusively upon the legal grounds of his authority, and to have been too little conciliatory in asserting it. That he is strictly right I have not the slightest doubt; but it is to be feared that his insistence upon technical right at all hazards, has given offence to some

who have therefore conceived a prejudice against him, and become partisans of the Usher.*

II. As regards the Usher, the Rev. Matthew Wood, it is impossible to resist the conviction which these papers impress upon the mind, that he has been working secretly in opposition to the Head Master. The whole conduct of Mr. Wood in promoting the prosecution of the Head Master for punishing J. E. Wright, can only be understood in this sense. Mr. Wood was present when the boy was punished and did not remonstrate, he says in effect that he witnessed nothing to call for his interference. Yet he afterwards had the boy examined by two medical men, obtained their joint certificate, kept it secret from the Head Master, but communicated it to the boy's father, and when Mr. Wright came to Giggleswick, had a private interview with him. Mr. Wood is also consulted by the clerk of the attorney for the prosecution: it is agreed between them that Mr. Wood must not be called as a witness; but as other testimony is required, Mr. Wood asks young Marriner, a pupil in the school, to be a witness

* In common justice to Mr. Blakiston, with whom the Author is wholly unacquainted, it ought to be stated that when Mr. Garvey wrote this opinion he had no personal knowledge of the locality or the parties. Since then he has visited the place, and given the following further opinion, founded upon a fuller knowledge of all the circumstances:—

“From the knowledge I have since obtained of the state of things at Giggleswick School, through my presence at the inquiry on the 17th October, 1862, and by the examination of further documents, I have no hesitation in stating my belief that if Mr. Blakiston had not discharged his duties with unswerving firmness, it would have been impossible for him to have maintained the semblance of order in the School, or to have held his own ground as he has held it, in the midst of difficulties and discouragements.

“M. A. GARVEY.

“TEMPLE, April 8, 1863.”

The following from a letter of Dr. Butterson, dated February 19, 1864, will also show very clearly the almost insuperable difficulties with which Mr. Blakiston has had to contend in order to maintain anything like discipline in the School:—

“Ignorant of what had passed, and of the difficulties which must await my successor, Mr. Blakiston applied for and obtained the appointment. The evil results arising from the Governors' conduct to myself appear soon to have been manifested in his case; they were such results as I fully expected, for the tendency of the Governors' partisanship must necessarily be to foster insubordination in the lower Masters, and whoever wished to conduct the School satisfactorily must make it his first endeavour to amend its faulty constitution, though in doing so he would be sure to meet with many disappointments and much obstruction and unjust treatment, which no conciliation on his part could avert. Now it is evident from the support afforded to Mr. Blakiston by the public press, by the general opinion of the neighbouring counties, and by the Masters of the principal Public Schools, that he did not fail in all proper exertions to place the School on a right footing, attended as these exertions were, and must necessarily be, with a great sacrifice of ease, comfort, emolument, and immediate reputation as a teacher.”

against its Head Master. It would argue a great want of perspicacity not to see that all these circumstances indicate in Mr. Wood a determined spirit of hostility against the Head Master, and at the same time a fear that that spirit might be exposed in the cross-examination by the defence. Mr. Wood's explanation of these circumstances does not touch their substance, nor in the slightest degree alter their moral significance.

Again, Mr. Wood appears to have treated the Head Master with marked disrespect on several occasions, which must have been highly irritating to him, and ruinous to the discipline of the school. On one occasion, Mr. Wood left the school-room abruptly, with his hat on, in contempt of the Master's request, that he would take care of two disobedient boys. On another occasion he passed the Head Master, in the company of one of the pupils, with discourteous neglect, which he afterwards aggravates by the unheard-of statement, from a subordinate in a school, that he did not consider it any part of his duty to enforce respect to his superior. These facts, coupled with the defiant tone of Mr. Wood's letters throughout, clearly prove that he cherished feelings of extreme hostility towards the Head Master.

In the case of the boy Holroyd, Mr. Wood evidently grasped at his own interest, at the expense of the Head Master, and dealt secretly with the boy's guardian for that purpose. He kept the whole arrangement from the Head Master's knowledge for six weeks, and afterwards carried out the secret compact in open defiance of the Head Master's wishes, and in contempt of his reputation. He appears, further, to have waited for the halting of the Head Master, with singular persistency, and to have kept a book, in which his slightest shortcomings were all recorded, and this, as the result proves, with the intention of bringing them forward when the opportunity offered.

The whole of these facts point in one direction. It would be presumptuous to attribute motives for human conduct; but if it had been Mr. Wood's design to render the position of the Head Master untenable, it could not have been pursued with more pertinacity and directness. The constant mortifications to which the Head Master has been exposed, through the conduct of his

subordinate, the covert insults he has had to bear, are wholly subversive of all discipline, and would not be tolerated for a moment in any rightly constituted School. It sets a most pernicious example before the boys, it diminishes incalculably the teaching energies of the institution, and, in the absence of other assignable causes, would fully account for the decadence of Giggleswick School.

III. As regards the Governors of the School. Instead of taking the initiative as visitors of the School, which they had a perfect right to do in a matter of such public notoriety as the hostility between the Head Master and the Usher, they allowed the feud to proceed, to the manifest damage, if not proximate ruin of the School. Their only interference is the expression of a futile wish that the two would be reconciled. This amounts to a distinct act of partisanship with the Usher, for after their resolutions it would be impossible for Mr. Blakiston to be reconciled with the Usher, without for ever abandoning the rights and prerogatives of his office. Mr. Blakiston's charge against Mr. Wood was sufficiently definite, and Mr. Prendergast would, I think, be of that opinion if he had perused all the papers which have been laid before me. The conduct of the Governor who was also a magistrate, and heard the case against the Head Master, is inexplicable, except on the supposition that he was a very devoted friend of the Usher. In his magisterial capacity he had no hesitation in signing two summonses against the Head Master, and in sitting upon the hearing of the case. In his capacity as Governor, when the charge is made against the Usher, he finds all manner of difficulties in the path of justice. Mr. Wood's success in making a party for himself is further evident in the tone of advocacy of his interests which runs through the whole correspondence of Mr. Wm. Robinson, in his replies to Mr. James Foster. From all that appears in these documents, I think a solution of the difficulty is not to be expected from the present governing body.

IV. As regards the scheme of 1844, I think it incurably defective. It leaves the authority of the Head Master undefined, and therefore open to such assaults as it has sustained in the person of Mr. Blakiston, and in that of his predecessor, Dr. Butterson. It leaves the corporation of Governors too small an area to

recruit itself from, and therefore too much under local influence. It provides no effective visitation of the foundation. For all these reasons I think there are substantial grounds for an application to the Charity Commissioners to amend the constitution of the School, but the applicant should have a proper *locus standi*, and with a view to future steps should be prepared to substantiate his allegations by affidavit.

M. A. GARVEY.

TEMPLE, June 13, 1862.

SUMMARY OF MR. JAMES FOSTER'S PUBLISHED CORRESPONDENCE WITH THE CHARITY COMMISSIONERS.

In accordance with this advice, the Author, on the 20th of June, 1862, addressed to the Charity Commissioners a letter to the following effect:—

He set out his *locus standi* to demand their interference as a landed proprietor in the parish.

He adverted to the scheme of management (obtained when the office of Head Master was vacant), and pointed out that the clause rendering residence in the parish of Giggleswick a qualification for the office of Governor, exposed the governing body to the influence of local prejudices and party spirit, and thus caused great deficiency on their part in the discharge of their duties.

He informed the Charity Commissioners that the Usher had set himself in direct opposition to the Head Master, that a party among the Governors had abetted and encouraged the insubordinate Usher; and that their object, apparently, was to compel the Head Master to retire.

He detailed to the Charity Commissioners the conduct of the Usher and of the Governors in the scandalous proceedings in young Wright's case; and showed that this was only the climax of a long course of contumacy and insubordination on the part of the Usher, which was matter of public notoriety in the neighbourhood.

That the reputation of the School had been thereby seriously injured, and its efficiency essentially impaired, as was shown by the great falling off in the numbers of the pupils.

He informed the Charity Commissioners of his persistent, but vain, attempts to arouse the Governors to a sense of their duty; and concluded by entreating the Charity Commissioners to take the matter in hand.

To this the Charity Commissioners replied on the 25th of the same month, with official curtness, that they were in correspondence with the Governors on the subject.

The Author did not again address them for nearly three months, waiting the result of their correspondence with the Governors. Meanwhile he learned from other sources that they were simply resting on their oars, waiting till the Governors should propose a new scheme for their sanction, thus shifting their responsibility upon a party which had already proved itself impenetrable to justice.

On the 10th of September, 1862, the Author addressed a second letter to the Charity Commissioners, in which he told them

That he had written his former letter to them by the advice of Mr. Garvey, to whom he had submitted his correspondence with the Governors previous to its publication, and who had recommended him before publishing it to address them. Mr. Garvey expressed himself as very certain that they would cause the matter to be investigated; but from what the author had learned, it was intended to throw the onus of preparing a new scheme upon the Head Master, leaving the Governors power to veto such of its provisions as they saw fit. Against this the Author protested, on the ground that men who had conducted themselves as the Governors had, could not be expected to sanction any salutary or efficacious change.

He urged upon the Commissioners the necessity of causing a searching investigation to be made into the past as well as the present state of the School, in order to arrive at the causes of the calamities which had overtaken it, and to provide for the prevention of their recurrence.

He sent with this letter a proof copy of the pamphlet he had prepared for publication, with Mr. Garvey's opinion appended, and

requested Mr. Garvey to obtain an interview with the Commissioners as his legal representative, and to hand them the letter.

This was done, and two days afterwards the Commissioners replied, stating that Mr. Garvey had submitted to them the letter and pamphlet referred to.

That they had reason to believe that the Governors were prepared forthwith to take the requisite steps for effecting the necessary reorganisation of the School under the order of the Board ; and that it would be satisfactory to the Commissioners to be enabled to give their assistance to remove obstacles to the efficiency of the School.

That the proposed new scheme need not be propounded by the Governors, and, at any rate, would not be approved by the Board, until a full opportunity had been given to all persons interested of considering its provisions and making suggestions for its amendment.

The Commissioners left it with the Author, whether, under these circumstances, it was expedient to proceed with the publication of his pamphlet.

This letter, though extremely vague, and expressing everything in so contingent and doubtful a manner, yet contained some promise of action on the part of the Commissioners ; and the Author, therefore, withheld his correspondence. He was the more willing to do this, as the Commissioners had at length consented to institute an inquiry into the "past and present management of the School." This was all that he sought for, and had it been carried out in good faith, there would have been every prospect of a satisfactory result.

An apparent reconciliation was however hastily brought about between the Head Master and the Usher on the very eve of the investigation ; and the Inspector, Mr. Martin, true to the traditions of his office, eagerly took advantage of it, to exclude from his inquiry not only the quarrel between the two Masters, but the misconduct of the Governors in their uniform support of contumacious and rebellious subordinates in opposition to successive Head Masters.

The Commissioners led the Author to believe that the inquiry would be *bonâ fide* ; they even gave him leave to appear by

counsel, and Mr. Garvey attended at Giggleswick on his behalf, furnished with proofs which must have convinced the most sceptical of the unfitness of the Governors for their office. This subject, however, Mr. Martin would not allow to be broached; and his inquiry, after all the expense and trouble attendant upon it, went off into some trifling matters of account, and a few common place questions about the state of the School buildings; every topic which could give offence to the Governors being carefully avoided. Thus the very purpose and gist of the inquiry was left absolutely untouched, and Mr. Martin returned to London to draw up his "report," the matter of which might have been contained in the compass of a post letter.

Indignant at this expensive mockery, the Author addressed the Charity Commissioners again on the 1st of November, 1862, in a letter setting forth at some length the defective character of the inquiry, showing that it was simply nugatory, praying them not to deal superficially and ineffectually with an evil of so injurious a character to the School, but, as the national Trustees of charitable uses, to search it thoroughly, with a view to its radical cure.

The Commissioners, in their reply, steadily ignored the complaint against the Governors of the School, and stated that they approved of the Inspector's conduct in regarding the quarrel between the Head Master and Usher as terminated.

Believing it impossible that the Commissioners could act thus, if fully informed of all the circumstances of the case, the Author drew up an abstract of all that had occurred at Giggleswick from the beginning of these unhappy events, and sent it to them on the 13th of December, 1862, with a letter, in substance, as follows:—

He reminded them that in his letter of November 1st, he had laid before them matters of sufficient weight to justify them in pausing before they entrusted the new management of the School to the present Governors, or to any body which they might form by self-election.

He argued that the inquiry into the conduct of the Governors

ought not to have been stopped by an apparent reconciliation between the Masters, adroitly brought about for that purpose; and prayed the Commissioners, in the interest of the public, not to allow an intolerable evil, which was ruining the School, to escape their investigation under such a transparent pretext.

He stated that he cast no blame on Mr. Martin, the Inspector, for not inquiring into the *personal* quarrel between the Masters; but he showed that the conduct of the Governors which gave rise to that quarrel ought to have been investigated, that being an entirely different matter, for which the Governors were responsible to the public.

He charged the Governors with conduct which, if proved, the Board must admit unfitted them for their position, and showed that no arrangement of a personal dispute between other parties could relieve the Governors from his charges.

He reminded the Charity Commissioners that all parties in this affair had already appealed to the public, and that the case could not be withdrawn from that tribunal by a private accommodation of terms between two individuals.

He expressed himself incredulous as to the possibility of the Commissioners treating the matter as they had done, had they been fully informed on the whole case; and requested their attention to the abstract statement accompanying this letter, upon the facts of which he based his right to appeal to the Board, the whole being matters of public notoriety.

He urged upon the Board the pressing necessity of taking the administration of the School from a body that had openly committed itself to a party, that party being sheltered under *quasi* freehold rights which would remain intact under any new scheme of management; and concluded, by requesting the Board to inform him whether or not his statement of facts furnished sufficient evidence to show *prima facie* that the Governors were guilty of a moral, if not of a legal breach of trust.

To this letter the Commissioners replied by a mere formal acknowledgment.

The Author waited for another month, and addressed the Charity Commissioners again on the 14th of January, 1863, in substance, as follows:—

He requested to be informed when he might expect a reply to his last letter, and also whether Mr. Martin, the Inspector, had presented the report of his inquiry; and if Mr. Garvey, as the Author's legal representative, might be permitted to peruse it on his behalf, a copy of it having been in the hands of the Governors *for some time*.

He stated that, relying upon the promise of the Commissioners in their letter of the 12th of September, 1862, that "the case yet remained to be considered in all its details, and that no new scheme will at all events be approved of by the Board until full opportunity shall have been given to all persons interested of considering its provisions, and making suggestions for its amendment," he rested confident that the Board would give to his statements the consideration to which their independence and impartiality entitled them, and trusted that the Commissioners would not commit themselves to *any course* which would leave just cause of complaint.

The Author having obtained a copy of Mr. Martin's report, found that it was throughout a piece of special pleading on behalf of things as they were; a futile, though expensive formality; an inquiry that investigated nothing; an attempt, in short, to save the Commissioners from trouble, by passing over with smooth phrases the very evils which he was ostensibly sent down to investigate, and by taking part with the Governors in all their doings, so that the two corporate bodies might together defy all private efforts to obtain justice. The Author could not by his silence lend the appearance of assent to this gross misrepresentation of facts; and therefore he again addressed the Charity Commissioners on the 19th of March, 1863.

He pointed out to the Commissioners that although the report stated that "the recent inspection was occasioned by a misunderstanding between the Head Master and Usher," yet that was the only subject expressly excluded from the inspection.

That although Mr. Martin stated that he regarded the personal misunderstanding as terminated, and went out of his way to indorse the Usher's conduct in accordance with the views of the Governors, the misunderstanding was not terminated, and that the

character of the Usher's conduct was to be gathered with much more certainty from the published testimony concerning it than from the bare expression of an opinion by Mr. Martin on a subject of which he knew nothing, and into which he refused to inquire.

That the apology made by the Usher to the Head Master, of which Mr. Martin took advantage to save himself trouble, was a cunningly devised manœuvre, intended to baffle inquiry into the conduct of the Governors, a purpose it subserved but too effectually. That the apology was known to the Board before Mr. Martin was sent to Giggleswick; and therefore, if they considered that it precluded inquiry, the Author asked for what purpose Mr. Martin was sent, since the very object which rendered investigation necessary had, in the opinion of the Board, been already removed from its jurisdiction.

He submitted that the serious and wide-spread public censure of the Governors' conduct created a demand for inquiry into their management of the School, which could not be satisfied by the apparent reconciliation between the actual Head Master and Usher, and that nothing less than a thorough investigation of the Governors' treatment of both Dr. Butterson, the late, and Mr. Blakiston, the present Head Master, would content the public.

The Author pointed out the apologetic tone in which the Inspector speaks of the Governors, of whom he should be supposed to know nothing; how, without any inquiry, he eulogises them, and absolves them from blame; how he attempts to soften down the charges against them in an indirect way, still without making any inquiry; how he tacitly insinuates that the inquiry, such as it was, was carried on before an impartial audience; the truth being that, with the exception of the Author's counsel and two or three other persons, the audience was exclusively made up of the Governors themselves and their friends, and did not altogether exceed twenty-three persons.

The Author affirmed, in opposition to Mr. Martin's opinion, that if the Governors had done their duty the School would have prospered, despite the defects of the scheme; and reminded the Commissioners that under the same scheme, in Dr. Butterson's time, the School attained to an unexampled degree of prosperity, until it was arrested by the Governors' outrageous treatment of that admirable man.

The Author pointed out several errors and contradictions in Mr. Martin's report; and one statement entirely, though it is to be hoped unintentionally, false. Mr. Martin represents both the Head Masters as agreeing with him in laying the blame of the evils that had befallen the School upon the scheme of management; the Author showed, on the contrary, that both the Head Masters distinctly charged the Governors with being the direct authors of the calamities that had nearly ruined the institution.

He informed the Commissioners that he had applied to Dr. Butterson for information on this part of the report, and that the Doctor had stated of the minutes extracted by Mr. Martin to shield the Governors:—"If they fail to show that my resignation was caused by the want of support from the Governors, and I may add by their partisanship on the side of those who placed themselves in hostility to me, they must err very greatly from the real truth of the case. The scheme would not have been so greatly in fault had the Governors done their duty and properly supported the Head Master."

The Author further called the attention of the Board to an extract from a speech of Dr. Butterson, delivered shortly after he had left Giggleswick, in which, before a large assembly, he publicly impeached the conduct of the Governors, and announced his joy at being freed from his connection with persons "who did not know how to treat a gentleman with respect, and who had not given the Master of the School that support and deference which were due to his position, and without which it was impossible for a Master to maintain his proper authority in conducting a School. He had released his connection with those who had encouraged the lowest teacher in the School to treat the Master with disrespect, and who had most outrageously insulted him in the presence of his own boys. The subordinate teacher to whom he alluded had not parted from those boys until circumstances which he would not detail (immoral conduct) had compelled those in power to dismiss him."

The Author averred, with Dr. Butterson's direct sanction, that the Doctor was prepared to substantiate all this in the most solemn manner; and on his own part the Author declared himself ready to prove that the immoral teacher alluded to by Dr.

Butterton was advised in the course he pursued by one of the leading Governors, and that the same Governor employed his pen on behalf of the teacher.

So much for Mr. Martin's assertion that Dr. Butterton attributed the decadence of the School to the scheme and not to the Governors.

As regards Mr. Blakiston, the present Head Master, the Author referred the Board to his published pamphlets for his opinion of the Governors, and expressed his confidence that the views of the two Head Masters would be abundantly sustained by the testimony of many independent persons before a proper tribunal.

He showed that if the result of such investigation should be to exonerate the Governors from his charges, the Commissioners could, with greater freedom, proceed to the settling of a new scheme; and that, on the other hand, should the charges be proved, the Governors must either resign or be dismissed, and the Commissioners would then have an opportunity of remodelling the governing body, in accordance with the requirements of a great public School.

He reminded the Board that he had not yet received a reply to his letter of December 13th, 1862, which was accompanied by an abstract statement of the whole case, and once more earnestly entreated the Commissioners to institute a real inquiry before taking any new scheme into consideration.

To this letter the Commissioners replied on March 24th, 1863.

They had had under consideration the Author's letters of the 13th December, and the 19th March.

In their judgment, Mr. Martin's inquiry had sufficiently attained the end for which it was designed (that end being to discover the causes of the unhappy differences between the authorities, which Mr. Martin had expressly and entirely excluded from his inquiry). They considered it inexpedient to institute any *further* inquiry into the conduct of the Governors (no inquiry whatever having been yet made).

They were then proceeding to take the necessary steps for settling an improved scheme, which they expected would place the administration of the School upon a satisfactory footing, and

they deprecated the *raising* of any question *unnecessarily* that might obstruct their arrangements.

The Author, finding that the Commissioners' great object was to make things pleasant for themselves, concluded his first correspondence with them, by a letter dated April 2nd, 1863.

He agreed with the Commissioners that it was undesirable to raise any question *unnecessarily*, but he insisted that the matters he had laid before the Board were of *vital necessity*. He reminded them that the question of the Governors' conduct was not then *raised* for the first time, and that he had not *raised* it; that, on the contrary, it had for four years been matter of public report; that it had been canvassed in the press, and had brought the School into wide-spread and unfavourable notoriety.

He recalled to them the fact that what he asked was that they would inquire into the truth or falsehood of these damaging reports, and that their reply that they were preparing a new scheme was irrelevant. He asked them what benefit they could expect from a new scheme, if administered by men who were openly charged with having abused their powers under the old scheme, and suggested that mere paper arrangements could not restrain avowed and inveterate partisanship, or correct the unfitness of the Governors for the position they had misused.

He pointed out the contradiction between the Charity Commissioners' letter and their Inspector's report; the Commissioners stating the end of the inquiry had been sufficiently attained—Mr. Martin reporting that he had advisedly excluded from his inquiry the very object and end into which he was sent down ostensibly to inquire.

He remarked that the term *further inquiry* implied that some previous inquiry had been made, but as that was not the case, the term was without meaning; he did not ask for the repetition of a process, but for an investigation into matters of which they had never yet taken official cognizance.

He concluded by stating that he had suspended the publication of his pamphlet for many months, in the hopes that the Charity Commissioners would come to the rescue of this Institution, but since their last letter plainly intimated that they had determined at all hazards to support the men by whom it had been brought to

its present condition, he would no longer refrain from appealing to the public.

The Author accordingly published the whole case and correspondence, in the April of last year; and his nephew, Mr. John Knowles, of 42, Moorgate Street, about the same time published some correspondence which he had with the Charity Commissioners on the same subject. A summary of Mr. Knowles's correspondence is necessary, to show the determination of the Charity Board not to do their duty, and their ingenious contrivances "how not to do it."

SUMMARY OF MR. JOHN KNOWLES'S PUBLISHED CORRESPONDENCE WITH THE CHARITY COMMISSIONERS.

On the 21st of June, 1862, Mr. Knowles first addressed the Charity Commissioners.

As a landed proprietor in the parish, and in the immediate vicinity of Giggleswick, he called their attention to the unsatisfactory condition of the School.

He stated his impression, derived from the pamphlets published on the subject, that the Governors of the School had not only failed in their duty, but by taking part with the Usher in his resistance to the authority of the Head Master, had contributed to the decadence of the School.

He directed the special attention of the Board to the circumstances which rendered it impossible for Dr. Butters, the late Head Master, to remain in office, as matters worthy of investigation.

To this letter the Commissioners replied in exactly the same routine terms as they did to the first letter of the Author.

Mr. Knowles, in common with the Author, received, on the 8th of October, 1862, a notice from the Inspector, Mr. Martin, that the inquiry sought for would take place on the 17th, at Giggleswick, and believing that it was to be a *bonâ fide* investigation, as the notice gave him abundant reason to believe, he wrote again to the Commissioners on the 11th of October, 1862.

Mr. Knowles acknowledged the receipt of the notice, expressed his satisfaction that the inquiry was about to take place, and his confidence that such an inquiry into the past and present condition of the School would result in great public benefit. He suggested that Dr. Butterson should be examined as to the state of things in his time, and the causes which led to his retirement, as his evidence would be of great importance in elucidating the acts and motives of others, both then and subsequently. He took it for granted that Mr. Martin would secure the attendance of persons whom he (Mr. Martin) wished to have examined, as well as of persons whom, under his sanction, other parties might wish to examine.

He explained that he did not follow up his letter of June the 21st, because he could add little or nothing to Mr. James Foster's statements, in which he entirely concurred, and was unwilling to cause unnecessary trouble by a double correspondence. Mr. Knowles, however, said he would ask permission to be heard on the new scheme, which would be considered, he supposed, after the adoption of Mr. Martin's report, but begged, at the outset, to dissent from the increase in the number of Governors which rumour said had been recommended to the Board.

To this the Board replied, acknowledging its receipt, and saying that it had been forwarded to Mr. Martin.

The so-called inquiry took place as has been already stated. Mr. Knowles, like every one else interested in the prosperity of the School, was astonished at so barefaced an evasion of duty, and remonstrated with the Charity Commissioners in a letter, addressed to them on the 10th November, 1862.

He said, that in his letter of October 11th, he had suggested the best method of eliciting, at the inquiry of the 17th, information respecting the School in Dr. Butterson's time, and the causes of his retirement, as likely to elucidate the acts and motives of others, both then and subsequently; and, as in their reply, the Board said they had sent that letter to Mr. Martin for his information, Mr. Knowles naturally thought he understood the object of the inquiry, and that the Board considered his letter worthy of consideration. He, therefore, expressed his surprise, that beyond verifying

accounts, Mr. Martin not only did not inquire into the past management of the School, but absolutely precluded the investigation which had been solicited, and which he had been sent professedly to make. Mr. Martin appeared to have imagined that an apparent reconciliation between the Head Master and Usher justified him in pretermittting from his inquiry the public claim for satisfaction as to the mismanagement which had so injured the School.

Mr. Knowles expressed his confidence that the Board would not allow the matter to rest there ; that they would institute such a searching investigation as would be satisfactory both to themselves and to the public, whose chief interest it was that the evils which pressed upon the School should be eradicated.

He reminded the Board that he had claimed a right to be heard on the new scheme, which he supposed would be considered after their decision on Mr. Martin's report, and inferred from their reply that this supposition was correct. He had been informed, however, that Mr. Martin's principal inquiry and discussion, at Giggleswick, were upon the new scheme ; and that this, instead of being preliminary, had resulted in an understanding between Mr. Martin and the Governors both as to the principal provisions of such scheme, and the persons who were to be Governors. He stated that he had nothing to say against the five gentlemen who had consented to act with the present Governors, but he would ask whether it was likely that the public, the Master, or the parents of the pupils would be satisfied if the administration of the Charity were continued in a body whose management had already worked fatally, not only for the School, but for the social condition of the neighbourhood.

He declined entering further into argument, but requested the favour of a short interview for himself and Mr. Garvey after the reception of Mr. Martin's report, in order to save correspondence.

He stated that he was never desirous of pushing the mere personal quarrel between the Head Master and the Usher to an extreme issue, but what he did expect, and what their transmission of his letter to their Inspector gave him just reason to expect, was a thorough investigation, at the hands of the Commissioners, of the causes which had brought about not only the

collision between the present Head Master and Usher, but that between the late Head Master and his subordinate, which collisions he affirmed were the inevitable results of the Governors' conduct; and he therefore again urged the necessity of a searching investigation into it.

The Charity Commissioners replied on the 15th of November, 1862.

They saw no reason for altering their opinion as to the sound judgment exercised by the Inspector in abstaining from going into the *causes* of former and terminated disputes between Head and Under Masters.

They stated that the object of the inquiry was not to open past grievances, but to devise measures for improving the future management of the School (that is, to cure a disease without ascertaining its nature), in which they hoped the course taken by the Inspector would be fully successful.

They corrected Mr. Knowles's impression that the provisions of the future scheme had been settled, stated that the Inspector had not yet made his report, and that the case remained to be considered in all its details.

Mr. Knowles again addressed the Board on the 20th of March, 1863.

He reminded them that in his letter of November 10th, 1862, he had requested an interview for himself and Mr. Garvey after they had received Mr. Martin's Report; but they had not even noticed his request. He inferred from the concluding part of their letter that they did not want his interference. He still however persisted earnestly and respectfully in his request for an interview, stating that he was prepared to lay before them information, some of which he had but lately received, with which it was impossible they could be acquainted, or as guardians of the public interests they would have *spontaneously* caused an investigation into the charges against the Governors.

The Charity Commissioners, in their reply of the 27th March,

1863, again resorted to ingenious evasions, and to wilful misconceptions of Mr. Knowles's intentions.

They informed him that they considered his offer to attend the Commissioners for the purpose of discussing the new scheme was sufficiently answered, as well as the rest of his letter of Nov. 10, 1862, in their reply of the 15th of that month. (N.B. Mr. Knowles made no such offer; he requested an interview, to lay before them information which would demonstrate the necessity of inquiring into the conduct of the Governors.)

They stated that they could not become the depositaries of oral charges against the former conduct of the Governors in their absence (as if they did not know that the *present*, as well as the *former*, conduct of the Governors was impugned).^{*} They considered it inexpedient to begin a *fresh* investigation into the past administration of the School; but if it were thought advisable to prefer further charges against the Governors, they should be succinctly stated in writing, that the Governors might have an opportunity of replying to them.

In conclusion, they informed Mr. Knowles, in the same terms as they did the Author, that they were taking steps to settle an improved scheme, and deprecated the raising of any question unnecessarily that might obstruct or retard their arrangements.

Mr. Knowles, at length convinced of the hopelessness of endeavouring to bring to a sense of duty men who thus used their official position to treat with contumely and to discourage applicants for justice, and even to falsify the import of appeals made to them, in order that they might seem to have right on their side, addressed to them a final letter on the 30th of March, 1863.

He stated that as guardians of public charities he had expected that the Commissioners would not have closed their eyes to the respectful representation of matters vitally affecting a valuable institution. He insisted that if these matters were known to them they ought to have investigated them spontaneously, and if

^{*} After this display of public virtue, they actually granted a private interview to Mr. George Stansfeld, who has shown himself to be as warm a partisan of the Governors and Usher, as he is hostile to the Head Master.

unknown to them it was their duty to receive proffered information.

He argued that the lapse of a short time could not relieve them of this duty, since the matters they were requested to investigate went to prove the unfitness for their position of men to whom they were about to intrust augmented powers, and construed their refusal of an interview as a foreclosure without inquiry of the whole question, and a predetermination to sustain the Governors in any event.

He indignantly repudiated the meaning they had attached to his request for an interview, preparatory to an investigation, viz., that he wanted to make oral charges against the Governors in their absence. He appealed to the whole tenor of his correspondence that what he wanted was an opportunity of meeting the Governors face to face before a competent tribunal, and of proving in their presence every one of his allegations.

He reminded the Commissioners that he had never given them reason to believe that his communications at an interview would be oral merely, but that, on the contrary, he would have laid before the Board documentary evidence that would have established an irresistible case for inquiry.

In reply to their requisition that "further charges against the Governors should be stated succinctly, in writing, that they may have an opportunity of replying to the same," he showed them that they were imitating the Governors themselves in their treatment of the Head Master, when, instead of visiting the School upon receiving repeated proofs of the contumacy and insubordination of the Usher, they required the Head Master "to state his charges with more precision," and, like the Head Master, Mr. Knowles replied that the Commissioners had no right to call upon him to draw up and prosecute an indictment against the Governors. He showed that his part in the matter would have been accomplished by the establishment of a *prima facie* case for inquiry, and said that it was for this purpose he sought the interview; that had they granted it, he was prepared to lay before them evidence to which they would not have ventured to turn a deaf ear, unless they had resolved to indorse the conduct of the Governors, whatever it might have been. As, however, they had shut the door upon him, he would give this correspondence to the public.

TESTIMONY AND OPINIONS OF THE PRESS.

THE publication of the Author's pamphlet, and of the correspondence of Mr. Knowles, naturally created a stir among the friends of the School. The subject having been taken up by the press in several of the neighbouring towns, a few extracts from some of the articles which appeared, are given, to enable the reader better to understand the opinions held in the locality regarding the Charity Commissioners, the Governors, and other parties to this affair.

The *Lancaster Guardian* of May 2, 1863, says :—" A pamphlet issued by Mr. James Foster, an owner of property in the parish of Giggleswick, containing his correspondence with the Governors and with the Charity Commissioners, has again drawn the attention of the public to the affairs of this School. Mr. Foster's contribution to this controversy is most valuable, inasmuch as it is untainted by partizanship, and has originated simply in the desire of an old pupil to rescue the School from the mismanagement which has reduced it to its present humiliating position. Mr. Foster protests against the continuance of the existing Governors until they have cleared themselves of the allegations made against them, and objects to an increase of the present number. The proposal of the Commissioners seems to be most defective. It virtually continues the control of the School to the present Governors, who are a majority and resident on the spot. We should have thought that those gentlemen were unwilling to incur any further responsibility after the dissatisfaction their management has inspired, whilst it is of the highest importance to the School that its government should be freed from the cliqueism which seems inseparable from a small locality. We trust that Mr. Foster is in error in assuming that the Board is to be invested with some extended power. The power now possessed by them is utterly incompatible with the independence and proper position of a Head Master. It will hardly be credited that he is now unable to give a holiday without the sanction of one of the Governors. Is it proposed still further to restrict his liberty, and

to level him to the position of the parish schoolmaster, who is tied hand and foot at the mercy of the village clergyman? We cannot think such a monstrous absurdity is contemplated. The Governors have the power of election, and they should be able to dismiss the Head Master when good grounds can be assigned, but beyond this the less they have to do with the control of the School the better will it be for their trust. The appointment of assistants should be left with the Head Master, and their dismissal, with the right of appeal, should also be vested in him. He should have the sole control of the discipline of the School. Dr. Arnold would not have remained a day at Rugby if he had been subjected to the interference of a Board of Governors. He always insisted upon the independence and supremacy of the Head Master, as essential to his position and to the good government of the School. This principle applies to Giggleswick as well as to Rugby, and we can hardly believe that the Governors will set in the balance against the interests of the School the wish to retain a little patronage or the right to harass a master with peddling interference. Mr. Foster has just ground for complaint against the Commissioners that they refused to inquire into the past management of the School, in order that precautions might be taken in the new scheme against the provisions which have already borne such pernicious fruit. The desire "to make things pleasant" may be carried too far, and the susceptibilities of a few gentlemen of the district were hardly entitled to that consideration."

The *Lancaster Gazette* of May 16, 1863, comments thus on the matter:—"No hint—no breathing of incapacity is heard to the prejudice of the Rev. Mr. Blakiston, the Head Master, of whom we are speaking; and yet, monstrous to imagine, this gentleman, whose competency is never questioned, is thwarted, hampered, and obstructed in the discharge of his duty, by the very men who, the other day, presented him with his appointment. This they do in various ways, all, we are bound to say, more or less pettifogging and contemptible, but not the less efficacious in rendering his situation one of a very distressing nature, or, therefore, less instrumental in undermining the usefulness of the institution by them committed to his care. Let the reader peruse

the account elsewhere given of the legal proceedings so shamefully instituted against Mr. Blakiston, and other similar incidents, and he will find that we have not exaggerated the extraordinary perversity with which the reverend gentleman's patrons (P) seem to be animated. These most inexcusable matters cannot be alluded to without introducing third parties on the scene, and, to be plain, we can arrive at no reasonable solution of conduct which, in the absence of such a clue, appears to be utterly inexplicable, except by assuming that those third parties are themselves closely and very materially interested in the success of the means which the trustees are taking apparently to force on the Head Master the necessity of resignation. What lays the trustees open to this unfavourable interpretation of their conduct towards the Head Master, is the striking fact of the previous Head Master having been driven by a precisely similar course of proceeding on their part to restore to their keeping an office the duties of which he could no longer discharge with comfort, owing to the difficulties thrown in his way by the very men whom he had every right to expect would be on all occasions his best support in every difficulty. As with Dr. Butters, the late Head Master, so with Mr. Blakiston, the present, the most perverse efforts are made to render his position in all respects as disagreeable as possible. To this end insubordination in the school is too evidently encouraged, for we find that in divers instances the authority of the Head Master is brought in question and successfully resisted, the Second Master, or Usher, who should himself be an ensample of proper submission, being generally the person through whose instrumentality the humiliation is brought about. In these unseemly conflicts of authority, the Second Master is invariably supported in his reprehensible conduct by the Trustees, and the inference therefore must needs be that the official just named has himself an ambition to become the chief of the establishment, and that the Trustees are, so to speak, conspiring with their newly-adopted protégé to push the Head Master from his seat. Writing in the interest of the public who are so deeply concerned in having the Giggleswick feuds brought to a speedy termination, we have to insist that the welfare of a highly distinguished and richly endowed collegiate establishment like that of Giggleswick shall no longer be made ducks and drakes of to

satisfy the vaunting ambition of this man or the personal animosity of that. We are bound to protest against the whole thing as eminently absurd and untenable, and on behalf of the community most intimately interested in the welfare of Giggleswick School, we demand that the Head Master, whose efficiency is never for a moment brought into question, may be allowed for the future to discharge his duties uninterrupted. In conclusion, we have only to say that, if the existing state of things is to be continued, there remains nothing that we can see to save the School from destruction but the supplanting of the present Trustees by others who will entertain a better sense of their responsibilities."

From the *Manchester Examiner* and *Times* of May 26, 1863 : — "Finding, by observation of circumstances, that the Governors were influenced by the same bias in favour of the Usher, which had from the first led the superior to tolerate encroachments, Mr. Blakiston brought the matter before the public in a pamphlet. This statement was read by Mr. James Foster, a gentleman connected with Giggleswick, but resident at Walthamstow, and to whom both the Head Master and the Usher were unknown. Being much astonished at the supine conduct of the Governors, Mr. Foster opened a correspondence with them on the subject on the 18th of February, 1862. Ten letters passed on either side, until it was closed on the 9th June; but the correspondence was the reverse of satisfactory in its results. Mr. Foster being an old pupil of the School in question, and much concerned in its welfare, next took counsel's opinion on the question. Mr. Garvey, the barrister, came to the conclusion that the Usher had made a party for himself among the Governors, and that the scheme of management was incurably defective. It left the Corporation of Governors too small an area to recruit from, and therefore too much under local influence. Fortified with this opinion, Mr. Foster brought his complaint before the Charity Commissioners, whose function it is in such cases to obviate the necessity of proceedings in Chancery. His nephew, Mr. J. Knowles, of Moorgate Street, likewise solicited their interference. But the Commissioners appear to have been practically in alliance with the Governors against their accusers. In answer to his first application, Mr.

Foster was informed that the Giggleswick School had already been brought under the Commissioners' consideration, and that they were in correspondence with the Trustees on the subject. The Commissioners, in fact, sent down an Inspector, before whom an inquiry took place on the 17th of October, 1862, but it proved to be a mere survey of the present state of the revenues of the School. An apparent reconciliation had been hastily brought about between the Head Master and the Usher, the latter making a public apology to the former; and Mr. Martin, the Inspector, seems to have been only too glad to take advantage of this to exclude altogether from his inquiry the conduct of the Governors. The public apology is said not to have terminated the differences; but even if the apparent reconciliation had been sincere, it is obvious that the question at issue was not a merely personal one between Mr. Blakiston and Mr. Wood,—it was one of principle between the Head Master and the Usher.

“On the 24th of March, 1863, the Charity Commissioners informed Mr. Foster that they were proceeding to settle an improved scheme of management. Against this scheme Mr. Foster energetically protests. Among other objectionable provisions, it confirms the present eight Governors in their office, with the addition of five new colleagues, and will give two-thirds of the Governors absolute power to dismiss the Head Master without assigning any reason. Mr. Foster appeals to the public judgment on the question by the publication of a pamphlet, containing a statement of the circumstances of dispute, his correspondence with Governors and Commissioners, and the legal opinion of Mr. Garvey on the various points laid before him. Disinterested readers may wonder how it is that the Governors of a School should hesitate for a moment in enforcing due submission to the Head Master's authority. This wonder may, indeed, be removed by the suggestion that so many of the Governors are united by business and family ties, with which the contumacious Usher may or may not be linked; or that there may be a jealous desire to limit the local influence and importance of a Head Master's position. But a more mysterious cause of astonishment is the refusal of the Charity Commissioners to make any inquiry into the conduct of the Governors.”

From the *Leeds Intelligencer* of June 6, 1863 :—" As we have said, the decadence of the School is attributable to disunion among the several ruling powers, and the disputes which have occurred are a not unnatural, though by no means necessary, result of the system under which it has of late been conducted. The plan of government was settled under an Order in Chancery, dated June 7th, 1844, when the Head Mastership of the School was vacant. In the first place, there are eight Governors, who, in accordance with the original condition of the foundation, must reside in the parish of Giggleswick. The Governors appoint both the Head Master and the Assistant Master, or Usher, who have each a freehold in their respective offices. Consequently, the Usher is in a great measure independent of the Head Master, and, neither of them being removable at the mere will of the Governors, both are also in a great measure independent of the body to whom they owe their position ; while, in case of disagreement, no overruling authority is to be had more easily available than the Charity Commissioners or the Court of Chancery. It is evident that mutual good feeling, and, in case of any differences arising, tact and forbearance, are essential to the well-working of a system like this, and each of these essentials seems to have been wanting. The Rev. G. A. Butterson, D.D., was the first Head Master under the new arrangement ; but after filling the office for thirteen years he resigned, upon the ground that his authority was disputed by the Usher, whom the Governors supported. The Usher also had to vacate his post, though for a different reason.* The present Head Master, the Rev. J. R. Blakiston, M.A., of Trinity College, Cambridge, was next appointed. The Rev. Matthew Wood became Usher, and the same sort of dissensions ensued as led to the resignation of Dr. Butterson. The Usher systematically set the authority of the Head Master at defiance, and the Governors took part with the Usher. Thus, union has existed only where it worked mischief. When the nominal subordinate displayed insubordination, the support of the Governors became more than ever necessary to maintain the authority of the Head Master. And here we think that Mr. Blakiston has good reason to com-

* The *Leeds Intelligencer* should have said that it was the *lowest teacher in the School* (and not the Usher) who was encouraged by the Governors to treat the late Head Master (Dr. Butterson) with disrespect and insult.

plain. If he discharged his duties satisfactorily he was entitled to be supported by the Governors when his authority was called in question ; and if he did not, opposition to him in conjunction with the Usher was the last remedy from which the Governors could anticipate any good. In confirmation of this we need only point to the present condition of the School.

“But why is it that the Charity Commissioners refuse or neglect to make any inquiry into the conduct of the Governors, and into the whole of the circumstances that have vexed this institution ? They have been urgently invited to do this ; and though the task may be a troublesome and distasteful one, it seems to be the proper course to be pursued in order to discover the real nature of the evils which have prevailed, and to suggest wholesome remedies.”

From the *Bradford Observer* of June 18th, 1863 :—“The flow of love and confidence between the Usher and the Governors may yet remain unchecked, but the public eye has been fixed upon their proceedings, and they will find it the part of ‘discreet men’ to think twice before further encouraging the persecution which drove away Dr. Butterson and would have crushed Mr. Blakiston, if he had been a weak man. We can understand why an independent man and able scholar in the position of Mr. Blakiston might create a bias against himself in a small circle of district magnates closely connected ; but we do not understand how the Charity Commissioners, whose intervention was invoked last year, should have thrown their shield over proceedings which must destroy the usefulness of one of the richest foundations in the north of England. Mr. Foster, of Walthamstow, an old pupil of the school, and his nephew, Mr. J. Knowles, opened a correspondence with the Commissioners, which resulted in the sending down of Mr. Martin, an Inspector, before whom an inquiry took place on the 17th October, 1862. But the inquiry was limited to a survey of the revenues of the school. The Governors, we are told, used their influence to patch up a reconciliation between the masters. Mr. Wood apologised to Mr. Blakiston. The apology had, with the concurrence of the Governors, been refused for fifteen months. Mr. Martin gladly accepted the apology as a reason for limiting the inquiry so as

not to touch the question of dereliction of duty on the part of the Governors. The Commissioners approved of their Inspector's report, and steadily shut their eyes to the fact that the question was not of a personal nature, but one of important principle. The Commissioners have not rebuked the parties that neutralised that indispensable element of success for a school, the authority of the master; but they tell Mr. Foster in their last letter, dated 24th March, 1863, that they are proceeding to settle an improved scheme of management, the chief points of which are, to confirm the present eight '*discretiores homines*' in office, with the addition of six new colleagues to be selected from the West Riding; to give two-thirds of the Governors absolute power to dismiss the Head Master without assigning any reason, and also to establish a scale of capitation fees to be charged, with some exceptions. We will discuss the new scheme at another time. It gives scope for oppressive despotism to the '*discretiores homines*,' and a fair field for the model Usher's peculiar talents. But it will not remedy the evils which at present destroy the usefulness of the School. The inquiry conducted by Mr. Martin was a mere mockery. To the efficiency of the endowed schools no greater blow could be given than that which it received from the practical declinature of the Charity Commissioners to do their duty. We are total strangers to all the parties, but we feel confident we are not singular in the opinion that this is a matter which cannot be allowed to sleep. The dereliction of duty on the part of the Charity Commissioners should be brought under the notice of the House of Commons by the West Riding members."

The Rev. John Robinson, a son of one of the Governors, and of course a partisan of the Usher, having attacked the Head Master most unwarrantably, in a letter which appeared in the *Lancaster Gazette*, October 15th, 1863, the Rev. Canon Mackreth, D.D., Chairman of the Visiting Justices of Lancaster Castle, formerly Rural Dean, replied to him as follows:—

"To the Editor of the Lancaster Gazette.

"Mr. Editor,—It is with great reluctance I intrude myself into the lamentable controversy now going on regarding Giggleswick School, but common justice compels me to notice a part of

a letter in your last week's paper, signed 'John Robinson,' and containing an unjust and malicious attack on the character and fitness of its Head Master. I have been acquainted with that gentleman for more than a year and a half, during which time he has assisted me in my Sunday duty to my entire satisfaction and that of my congregation. This weekly intercourse has afforded me abundant opportunities of judging of Mr. Blakiston's character, and I feel assured that if Mr. Robinson had enjoyed a similar intercourse he never could have written the paragraphs in question. It is not, however, his ignorance of Mr. Blakiston's character, or the foolish absurdity of his proposed test, which is the only reason of my noticing his attack; but it is, as affording another instance of the fearful extent to which the blind partisanship of a cause will sometimes hurry men, otherwise esteemed respectable, into injustice and wrong.

"Yours, &c.,

"THOS. MACKRETH.

"Rectory, Halton, October 20th."

**MR. JAMES FOSTER'S RECENT CORRESPONDENCE WITH THE
CHARITY COMMISSIONERS, *IN EXTENSO*.**

The new scheme having been at length matured, and the Charity Commissioners having neglected to let the author have a copy of it as they had promised, he addressed them once more on the 17th of October, 1863, and the following correspondence ensued. This correspondence is given *in extenso*, as it is now published for the first time.

Mark House Lane, Walthamstow, N.E.,
17th October, 1863.

**TO THE HONOURABLE THE BOARD OF CHARITY COMMISSIONERS
FOR ENGLAND AND WALES.**

GIGGLESWICK SCHOOL.

GENTLEMEN,

ON the 2nd of April last, I addressed your Honourable Board on the subject of the above School, since which time I am without any communication from you, and at this I feel some surprise, as I learn from the local newspapers that a proposal for a new

scheme for the government of Giggleswick School, emanating from your Honourable Board, has been in the possession of the Governors for about two months, and that the same has been publicly discussed. You will doubtless remember that you promised to give me notice when the new scheme was prepared, that I might obtain a copy of it, as you stated that it was your intention that full opportunity should be given to all persons interested of considering its provisions, and making suggestions for its amendment. In this matter I consider that I have not been treated fairly by your Honourable Board. You will further remember that my nephew, who had in his possession documentary evidence which he felt sure would have established an irresistible case for a searching inquiry into the conduct of the Governors, asked from you an interview, which was refused him on the ground "that the Commissioners cannot allow themselves to be made the depositaries of oral charges affecting the former conduct of the Governors in their absence. From Mr. George Stansfeld's own statements, it appears that what you refused to my nephew, you granted to Mr. Stansfeld, who is an intimate partisan of the Governors. My nephew therefore feels that he has not received even-handed justice at your hands.

If, as I presume to be the case, the attention of your Honourable Board has been called to correspondence and editorial articles which have appeared in the *Bradford Observer* and other local newspapers on the state of Giggleswick School, you cannot have failed to be convinced of the active and open hostility of the Governors towards the Head Master, hostility displayed *beyond all bounds of decency*, and which lays them open to be summarily dealt with; I have been looking for some action on your part towards removing them from an office for which they have proved themselves to be utterly incapable and unworthy, and I hope it will not be long before you take the necessary steps for their removal.

It was stated that the Governors had asked for an increase in their number, I presume from the feeling that they had become incapacitated, and you appear to entertain the same opinion, for I read in the newspapers that you propose adding ten to their number. I must here beg to repeat the protests contained in my letter of the 2nd of April, viz. :—

1. Against the continuance of the existing Governors until they have cleared themselves in open court of the allegations made against them; and still more so against your giving them any extended powers.

2. Against increasing the number at all, as eight Governors, selected from a fixed area, with the Vicar as *ex-officio* chairman, would be ample.

I herein inclose a *Settle Chronicle* of the 1st of this month, which contains an account of the presentation of a handsome testimonial, and of an address, to the Usher of Giggleswick School, got up by his avowed admirers. The wording of the address exhibits a spirit of vindictiveness and persecution towards the Head Master most painful to all right-minded men, and it is evident that the whole proceedings are an attempt to crush the Head Master, and to render his office untenable, and thus prove a repetition of the treatment experienced by his talented and amiable predecessor the Rev. Dr. Butterton. Among the first fifteen names to the address are those of two *Governors* and ten others intimately connected by relationship and business with members of the governing body, or of persons who are mixed up with the persecution of the Head Master. With this evidence, and the knowledge of the parts played at different times by several of them, it would be contrary to common sense to pretend that the address and testimonial were not got up with the concurrence of the Governors, and all who have, either voluntarily or through pressure, signed the address, have shown themselves unfit from their partisanship or weakness to hold the office of Governors.

In conclusion, I once more ask your serious consideration to the lamentable state to which this noble institution is reduced, and call on you, should you feel any hesitation in taking summary proceedings, to cause a *searching investigation* to be made into the affairs of the School *past* and *present*, and take such steps as may be necessary to remove (if they will not resign their alleged freeholds) those who are proved to be unworthy of their posts. This time I hope that neither fear of trouble nor any other circumstance will deter you from taking the necessary steps to remove the abuses complained of, to which I think a parallel can scarcely be found. The oppression and tyranny which have been brought

to bear on the Head Master are a disgrace to the promoters, and are working the entire destruction of the School and the demoralisation of the society of the parish, the inhabitants of which for the most part are virtually reduced to a state of abject dependence on a few who take the lead in a country town, and the mass have not the courage to denounce acts, however atrocious, that are committed by their more affluent neighbours.

Searching investigation has been repeatedly solicited by the Head Master and those who consider that he has been ill used, but that has hitherto been refused. I again seek it at the hands of your Honourable Board (unless you find that you have sufficient information to act summarily), as the only means of arriving at a satisfactory solution of this affair, by showing who are right and who are wrong, which point will never be established by a paper controversy.

Waiting the favour of a reply,

I am, Gentlemen,

Your most obedient servant,

JAMES FOSTER.

CHARITY COMMISSION,

8, York Street,

St. James's Square, S.W.,

Oct. 19th, 1863.

GIGGLESWICK SCHOOL.

SIR,

I have to acknowledge the receipt of your letter of the 17th inst. and its inclosure, which will be submitted to the Board in due course.

I have the honour to be, Sir,

Your obedient Servant,

HENRY M. VANE, *Secretary.*

James Foster, Esq.,

Mark House Lane, Walthamstow, N.E.

Mark House Lane, Walthamstow, N.E.,
17th November, 1863.

TO THE HONOURABLE THE BOARD OF CHARITY COMMISSIONERS
FOR ENGLAND AND WALES.

GIGGLESWICK SCHOOL

GENTLEMEN,

I duly received a communication from your Secretary, Mr. Henry M. Vane, dated the 9th October, informing me that my letter had been received, and that it would be submitted to your Honourable Board.

I shall now feel obliged by your informing me if it has come under your consideration, and in that case by your favouring me with a reply to its contents.

I am, Gentlemen,

Your obedient Servant,

JAMES FOSTER.

CHARITY COMMISSION,
8, York Street,
St. James's Square, S.W.,
18th November, 1863.

GIGGLESWICK GRAMMAR SCHOOL.

SIR,

Your letter of the 17th ult. has been brought under the consideration of the Board.

It is the intention of the Commissioners to carry out to the fullest extent their assurance, that you should have notice, when the proposed new scheme was prepared, with a view to your obtaining a copy, and having an opportunity of offering your suggestions thereon, when the proper time shall arrive for taking this step.

At present the scheme has been put together in a provisional form only for the preliminary consideration of the Governors and Masters of the School. The publicity which it has received was not contemplated by the Commissioners at the present stage of the proceedings. There is no foundation therefore for your

complaint of having been treated unfairly by the Commissioners in the matter.

With regard to the other points adverted to in your letter, I am to state that the Commissioners have not, as you appear to suppose, the power of applying a summary remedy for the redress of any grievances which may exist between the Governors and the Masters of the School, and they consider the present moment (when the establishment of a new scheme is actually under consideration) to be especially inopportune for the institution of such an inquiry as you desire, even if there were in fact sufficient cause for undertaking it.

I am, Sir,

Your obedient Servant,

HENRY M. VANE, *Secretary*.

P.S. The above was in draught previously to the receipt of your letter of the 17th instant.

CHARITY COMMISSION,
8, York Street,
St. James's Square, S.W.,
15th December, 1863.

GIGGLESWICK GRAMMAR SCHOOL.

SIR,

The Charity Commissioners, upon mature consideration of the circumstances of this case, have come to the conclusion that it will be desirable for the present to confine the contemplated new scheme to the enlargement of the existing body of Governors, with the addition of some ordinary provisions for the conduct of the business of the trust. They consider that the establishment of an improved scheme for the future regulation of the School may be advantageously reserved for the consideration of the new body of Governors, to whom the duty of bringing such scheme into operation will be committed.

A draft of a proposed scheme, limited to the objects already mentioned, has, accordingly, been forwarded to the Trustees for the purposes of the preliminary notice required by the Charitable Trusts Acts, and I am to inform you that, in conformity with the

assurance which has been given you, you may, if you desire it, be furnished with a copy of such scheme, upon payment of the stationer's charge for making the same, which will amount to the sum of 5s.

I am, Sir,

Your obedient Servant,

HENRY M. VANE, *Secretary.*

Mark House Lane, Walthamstow, N.E.,
22nd December, 1863.

TO THE HONOURABLE THE BOARD OF CHARITY COMMISSIONERS
FOR ENGLAND AND WALES.

GIGGLESWICK GRAMMAR SCHOOL.

GENTLEMEN,

I am in receipt of your letters of the 18th ult. and 15th inst., in the latter of which you inform me that, "upon mature consideration of the circumstances of this case, you have come to the conclusion that it will be desirable for the present to confine the contemplated new scheme to the enlargement of the existing body of Governors, with the addition of some ordinary provisions for the conduct of the business of the trust:" and "that the establishment of an improved scheme for the future regulation of the School may be advantageously reserved for the consideration of the new body of Governors."

On the 25th of June, 1862, you were pleased (in a very cool and laconic reply to the complaint contained in my letter of the 20th of the same month) to state that "the case of this School had been already brought under the consideration of the Commissioners, and that they were then in correspondence with the Trustees on the subject," and now, after a lapse of nearly eighteen months, you tacitly admit that you find yourselves unable to propose a new scheme of a comprehensive character without the assistance of an addition to the governing body.

As the old Governors, by proposing an increase of their number, admit their own incompetency, surely, upon that view of the case, you might arrange for them to retire from an office which they

have filled with such unenviable notoriety, and if this very desirable arrangement cannot be arrived at otherwise, in the interests of the School, I call upon you at once to apply either to Parliament or the Court of Chancery, for powers to have a reformed and improved scheme, with entirely new Governors, for I repeat my protest against the continuance of any of the existing body of Governors in any new scheme, until they have submitted their proceedings to, and have been cleared of the charges made against them by, a public and thorough investigation. I apprehend that you cannot increase the number of Governors without going to Parliament or Chancery, and, therefore, I express my decided opinion that it is inexpedient (indeed it would be absolutely injurious to the interests of the School) to frame a scheme of a temporising character such as that which you now propose.

In your above-named letter of the 18th of November, you allude to grievances between "the Governors and the *Masters* of the School," and informed me that you considered it very inopportune at that time to enter into the investigation which has been so earnestly asked for, as you stated that "the establishment of a new scheme was under consideration." I suppose that the new scheme therein referred to is that which, *after so much delay*, you sent to the Trustees, and which, *when I last heard of it, had been in their hands some months*. As to the "grievances," permit me to remind you that it is only the Head Master who can complain of grievances at the hands of the Governors; the Usher certainly cannot complain of either the Governors or their friends, except for their excess of zeal on his behalf. The question, however, is not solely between the Governors and the Head Master, but also, and indeed mainly, between the public and the Governors: investigation has been repeatedly asked for at your hands, and, notwithstanding your declared intention to institute an inquiry into the past and present management of the School, I affirm that everything has been done to evade it, although every disinterested person cannot fail to see that it ought long ago to have been instituted. Perhaps you may not have thought it within your province to read what has been published in this matter; if you have not done so, let me invite your perusal of "Further Correspondence about Giggleswick School," a copy of which I have obtained and send you enclosed, in case you have not received one.

It is needless to remind you of the animus which the Governors have displayed towards the Head Master from a very early date,* and that their hostility against him and their partisanship towards the Usher has increased up to the moment that the enclosed pamphlet went to the press. What can be more prejudicial to the interests of the School than to perpetuate this state of things? Certainly not the investigation which is sought for, because investigation, *if fairly* and openly conducted, would prove who are right and who are wrong; and this is what the public ought and want to know. I say *fairly*, because I cannot consider that it was fair for your Honourable Board to refuse the interview asked for by my nephew, who never had heard of either the Head Master or the Usher before this controversy, and yet grant an interview to Mr. Stansfeld, who is a brother-in-law of one of the Governors, and a very active partisan of the Usher, and who also figures very prominently from the commencement of the prosecution of the Head Master for the caning of the boy Wright.

I confess that when in the first instance I addressed you, I was under the impression that one of the purposes for which your Board was established, was to take cognisance of such matters as those of Giggleswick School, and to investigate grievances when brought before it, such as those to which I have called attention. Had I anticipated that so many obstacles would have been thrown in the way of obtaining, through your Board, a full and satisfactory inquiry into the past and present management of the School, I certainly should have adopted another and more effectual course. I trust, however, that you will at last see the necessity of both prompt and vigorous action, and not, by procrastination or indifference to the interests of the School, allow its condition to become worse and worse.

I am, Gentlemen,

Your most obedient Servant,

JAMES FOSTER.

* *Vide* Appendix to "Further Correspondence about Giggleswick School," page ix. In this "Further Correspondence," and that which had previously taken place, I venture to think ample materials will be found to call imperatively for an investigation.

CHARITY COMMISSION,
8, York Street,
St. James's Square, S.W.,
30th December, 1863.

GIGGLESWICK GRAMMAR SCHOOL.

SIR,

I am directed by the Charity Commissioners to acknowledge the receipt of your letter of the 22nd inst., and the printed pamphlet sent therewith.

The Commissioners have nothing to add to what has already been stated to you in their former letters relating to this Charity.

I am, Sir,

Your obedient Servant,

HENRY M. VANE, *Secretary.*

James Foster, Esq.,
Mark House Lane, Walthamstow, N.E.

CONCLUSION—DEMONSTRATION OF CHARGES.

The Author now submits to the candid judgment of the reader, that the charges against the Charity Commissioners have been fully proved.

The whole drift of their correspondence, as set forth in the foregoing pages, resolves itself into a refusal to make any inquiry into the wrong complained of with a view to its effectual remedy, and this refusal they have persisted in, although the existence of the wrong was made known to them, as the reader has seen, by the indignant reprobation of the press, by publications on both sides, and by the formal evidence tendered to them on the part of the Author by his legal adviser.

That they have trifled with applications for inquiry, and made use of official forms and routine to baffle and wear out the applicants, needs no further proof than the bare perusal of their replies to the Author's letters, and to those of Mr. John Knowles. The reader has not failed to notice their wilful misconception of the applications made to them, and the irrelevancy of their

answers; nor to estimate aright the cloudy contingency of their promises, and the baffling delays they have interposed at every step of the correspondence. That they have exercised their inquisitorial powers to stifle investigation is strikingly demonstrated by Mr. Martin's absurd mission to Giggleswick. He was sent to inquire into the causes of the disturbances in the School, yet he carefully excluded these causes from his inquiry; but the Commissioners plead this futile visit as a bar to any real investigation, and thus make use of the very machinery of inspection, to put a stop to inquiry.

That they have allied themselves with the Governors, whose misconduct is complained of, is manifest. Mr. Martin, their Inspector, whose knowledge of the Governors' conduct could be derived only from inquiry, yet, without making any inquiry, absolves them from blame, attributes the decadence of the School to the scheme, and not to the Governors, directly misrepresents the testimony of the two successive Head Masters, saying that they agree with him in this view, whilst, as the reader has seen, the two Head Masters in the most forcible terms charge the Governors with having brought the School to its present lamentable state; and the Charity Commissioners approve of this false report, adopt it, and express their determination to act upon it. They further ingeniously twist the applications for inquiry, and the request for a personal interview in order to lay before them documentary proof of the absolute necessity for investigating the conduct of the Governors before intrusting them with a new scheme, into a wish on the part of the applicants to make them the depositaries of *oral* charges against absent men.* They assume then a high tone of public virtue, and decline to hear such charges, well knowing all the time that the sole object of the Author and of his nephew was to have an opportunity of meeting the absent misdoers face to face, and of proving by incontestable evidence their unfitness for the government of the School. He must be indeed blind who does not discern in all this a settled determination on the part of the Charity Commissioners to sustain the men who have so notoriously misconducted themselves, and to defy the public whom they have in effect defrauded of the full benefits of the School.

* See note, page 28.

For all these reasons, the Author charges the Charity Commissioners with direct complicity in the scandalous proceedings which have nearly ruined the School, from the moment when they refused to inquire into them. Whether or not the laws of England afford redress for this great injury to the public interests, according to Blackstone's dictum, it is for those to say who make the laws, and who superintend their administration. If such redress does not exist, if the public are actually helpless before an irresponsible Board to which Parliament has delegated authority in these matters, if the right of an important district to the educational advantages of the School be withheld without remedy, then it is the plain duty of the Legislature to devise such measures as may in this and similar cases redress the injury and restore the right.

The Author has at least done his part in thus exposing the manner in which dogged officialism, inveterate habits of routine, and the inevitable tendency to prefer personal ease to public duty, have in the case of the Charity Board, as in that of all irresponsible bodies which have existed for any length of time, arrived at that point when the body, instead of being the guardian of right, becomes the shelter and defence of wrong, and when the public interests, as well as the voice of justice, call emphatically for its reform.

